

Remarks:

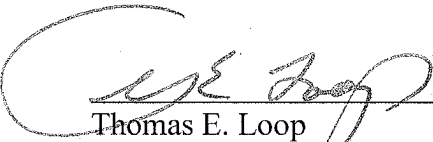
Reconsideration of this application in view of the above-identified amendments and following remarks is respectfully requested. Claims 15-18, 23-25, and 28 are currently pending. Claims 1-14, 19, 20-22, 26, 27 and 29 have been cancelled. Claims 15-18, 23-25 and 28 have been newly rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 15-18, 24, 25, and 28 still stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Kumar *et al.* (U.S. Patent No. 5,684,055) in combination with Grancio *et al.* (U.S. Patent No. 4,386,188) and Rubens *et al.* (U.S. Patent No. 5,684,055) and Johnson *et al.* (U.S. Patent No. 4,424,287) for the reasons of record. Claim 23 also stills stands rejected under 35 U.S.C. § 103(a) as being obvious in view of Kumar *et al.* in combination with Grancio *et al.*, Rubens *et al.*, Johnson *et al.* as well as Kumar (U.S. Patent No. 5,223,545) for the reasons of record. Claim 15 has been currently amended in order to address the Examiner's indefiniteness concerns and for purposes of further patentably distinguishing the present invention over the prior art. No new matter has been added. For purposes of clarity, Applicant addresses each of the Examiner's concerns in the order set forth in the previous Office Action.

Claims 15-18, 24, 25, and 28 have been newly rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully disagrees. In short, the Examiner has taken the position that recited steps (c) and (d) of prior claim 15 are indefinite because they do not clearly and positively recite the material that is being acted upon. In order to obviate this concern and for purposes of further patentably distinguishing the present invention over the prior art, Applicant has elected to further amend claim 15 such that it now recites that a new step "c," whereby the previous discrete steps of "foaming" and followed by "thermoforming" (*i.e.*, old steps "c" and "d") have been combined into a new step (*i.e.*, new step "c") that recites "simultaneously foaming and thermoforming the partially desorbed reversibly plasticized thermoplastic material into the shaped article of manufacture, wherein the step of simultaneously foaming and thermoforming occurs before the impregnated plasticizing gas concentration falls below about 0.5 percent by weight of the plasticized thermoplastic material." Support for this claim amendment may be found throughout the Specification and at, for example, paragraph [0056] and original claim 14.

Applicant respectfully submits that these further narrowing amendments patentably distinguishes the present invention over all of the teachings of the prior art, especially the teachings of the various methods attributable to Johnson *et al.* (wherein polymer extrudate is always foamed at a temperature greater than the polymer's melt temperature). Indeed, Johnson *et al.* clearly teaches away from the presently claimed invention insofar that in all instances their molten thermoplastic resin compositions are first extruded in the form of a foam sheet, which foam sheet is then allowed to sufficiently cool to be amenable to further processing steps (*i.e.*, thermoforming). Thus, the methodology taught by Johnson *et al.* is in direct conflict with the methodology of the presently claimed invention.

In view of the above remarks and claim amendment Applicant respectfully requests that all of the Examiner's rejections be withdrawn and that claims 15-18, 23-25 and 28 be promptly allowed. A good faith effort has been made to place this application in condition for allowance. If any further matter requires attention prior to allowance, the Examiner is respectfully requested to contact the undersigned attorney at (206) 568-3100 to resolve the same.

Respectfully submitted,



Thomas E. Loop
Registration No. 42,810
(206) 568-3100